

§ 1044.11

milk plant to another plant for the account of such cooperative association;

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered;

(e) Any person in his capacity as the operator of an other order plant that would otherwise qualify as a fluid milk plant; or

(f) A producer-handler.

[28 FR 4750, May 11, 1963, as amended at 29 FR 10867, July 30, 1964]

§ 1044.11 Producer.

Producer means a person, other than a producer-handler as defined in any order (including this part) who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler.

[29 FR 10867, July 30, 1964]

§ 1044.12 Associated producer.

Associated producer means any person, other than a producer-handler, with respect to any of his milk not accepted or accounted for by a handler at a fluid milk plant in any month of December through June, who:

(a) Produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended;

(b) Delivered milk to a fluid milk plant in any three of the preceding months of July through November; and

(c) Certifies in writing to the market administrator, on or before the first

7 CFR Ch. X (1-1-99 Edition)

day after each month of December through June in which his milk is not accepted or accounted for by a handler at a fluid milk plant, that he will deliver his milk to such fluid milk plant and does so deliver upon request from the handler to the market administrator.

[28 FR 4750, May 11, 1963]

§ 1044.13 Producer-handler.

Producer-handler means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

[28 FR 4751, May 11, 1963]

§ 1044.14 Producer milk.

Producer milk means skim milk and butterfat contained in Grade A milk received at a fluid milk plant directly from a dairy farmer or a handler pursuant to § 1044.10(d): *Provided*, That:

(a) Milk diverted pursuant to § 1044.11(b) to a nonfluid milk plant that is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the location of the plant from which diverted, and

(b) Milk diverted pursuant to § 1044.11(b) to a fluid milk plant shall be deemed to have been received by the diverting handler at the location of the plant to which diverted.

[28 FR 4750 May 11, 1963, as amended at 28 FR 11053, Oct. 16, 1963]

§ 1044.15 Associated producer milk.

Associated producer milk means the milk produced by an associated producer that is not accepted or accounted for by a handler at a fluid milk plant and is used for manufacturing purposes in a nonfluid milk plant engaged exclusively in manufacturing operations.

[28 FR 4751, May 11, 1963]

§ 1044.16 Other source milk.

Other source milk means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except: (1) Receipts

Agricultural Marketing Service, USDA

§ 1044.22

from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

[28 FR 4751, May 11, 1963]

§ 1044.17 Cooperative association.

Cooperative association means any cooperative marketing association of producers, as defined in § 1044.11, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

[28 FR 4751, May 11, 1963]

§ 1044.18 Fluid cream product.

Fluid cream product means cream (other than plastic cream or frozen cream), including sterilized cream, or a mixture of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

[58 FR 27832, May 11, 1993]

§ 1044.19 Filled milk.

Filled milk means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

[34 FR 18649, Nov. 22, 1969]

§ 1044.20 [Reserved]

§ 1044.21 Commercial food processing establishment.

Commercial food processing establishment means any facility other than a milk or filled milk plant, to which bulk fluid milk products and bulk fluid cream products are disposed of, or producer milk is diverted, that uses such receipts as ingredients in food products and has no disposition of fluid milk products or fluid cream products other

than those received in consumer-type packages. Producer milk diverted to commercial food processing establishments shall be subject to the same provisions relating to diversions to plants, including but not limited to, provisions in §§ 1044.14, 1044.41 and 1044.53.

[58 FR 27832, May 11, 1993]

MARKET ADMINISTRATOR

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a)—(h) [Reserved]

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price and Class II price for the following month;

(ii) The butterfat differential for the preceding month;

(iii) The Class III and Class III-A prices for the preceding month; and

(2) The 12th day of each month the uniform price for the proceeding month;

(j) On or before the 8th day after each month of December through June, notify each handler of each person who has qualified as an associated producer at each of his fluid milk plants;

(k) On or before the 12th day after each month of December through June, notify each handler of the quantity and butterfat test of associated producer milk assigned to each of his fluid milk plants and the amount to be remitted to the market administrator pursuant to § 1044.70(d).

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1044.43(e) and § 1044.44 on the basis of such report, (including any reclassification of inventories of bulk concentrated fluid milk products), and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.